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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/762,731  | 01/22/2004  | Paul M. Moody        | 260-011<br>LOT9-2003-0112US1 | 5629             |
| 44185 7590 02/02/2007<br>LOTUS AND RATIONAL SOFTWARE<br>McGuinness & Manaras LLP<br>125 NAGOG PARK<br>ACTON, MA 01720 |             |                      | EXAMINER<br>ALI, OMAR R      |                  |
|   |             |                      | ART UNIT                     | PAPER NUMBER     |
|   |             |                      | 2109                         |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE  |             | MAIL DATE            | DELIVERY MODE                |                  |
| 3 MONTHS  |             | 02/02/2007           | PAPER                        |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/762,731

Applicant(s)

MOODY ET AL.

Examiner

Omar Abdul-Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is in response to the original filing of January 22, 2004. Claims 1-32 are pending and have been considered below.

1. Examiner's Note. The Applicant appears to be attempting to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph in Claims 10, 13, and 16-18 by using "means-plus-function" language. However, the Examiner notes that the only "means" for performing these cited functions in the specification appears to be computer program modules. While the claims pass the first test of the three-prong test used to determine invocation of paragraph 6, since no other specific structural limitations are disclosed in the specification, the claims do not meet the other tests of the three-prong test. Therefore, 35 U.S.C. 112 6<sup>th</sup> paragraph has not been invoked when considering these claims below.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "58", "71", and "17" have all been used to designate the dynamically linked library in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "180" and "182" have both been used to designate a display.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "302" has been used to designate both a basic activity sharing

check box and a history of document accesses sharing checkbox in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version

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of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 561. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claim 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A carrier wave is a form of energy and does not fall within one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 10-15, 19-25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (US 5,793,365):

Claims 1, 10, 19, 28, and 29: Tang discloses a system and method providing a computer user interface enabling access to distributed workgroup members; further disclosing obtaining a plurality of user representations corresponding to respective one of a plurality of users with whom said selected remote user recently communicated (column 8, lines 40-45). But, Tang does not explicitly disclose that the plurality of user representations are presented in the order in which the user communicated with each user. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present these representations in chronological order.

One would have been motivated to present the representations chronologically in order to determine the order of the recent collaborative activities of a remote user.

Claims 2, 11, and 20: Tang discloses a system and method providing a computer user interface enabling access to distributed workgroup members as in Claims 1, 10, and 19 above, further comprising:

- a. each of said plurality of user representations comprises an image of said corresponding one of said plurality of users with whom said selected remote user recently communicated (column 8, lines 40-45).

Claims 3, 12, and 21: Tang discloses a system and method providing a computer user interface enabling access to distributed workgroup members as in Claims 2, 11, and 20 above, further comprising:

- a. each of said plurality of user representations comprises an indication of a communication application used for communication between said one of said plurality of users and said selected remote user (column 8, lines 40-45).

Claims 4, 13, and 22: Tang discloses a system and method providing a computer user interface enabling access to distributed workgroup members as in Claims 2, 11, and 20 above, further comprising obtaining a second plurality of user representations, each corresponding to a respective one of a plurality of users with whom a local user recently communicated, and displaying the representations simultaneously (column 5, lines 13-

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43). But, Tang does not explicitly disclose that the plurality of user representations are presented in the order in which the user communicated with each user. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present these representations in chronological order. One would have been motivated to present the representations chronologically in order to determine the order of the recent collaborative activities of a remote user.

Claims 5, 14, and 23: Tang discloses a system and method providing a computer user interface enabling access to distributed workgroup members as in Claims 2, 11, and 20 above, further comprising:

- a. each of said second plurality of user representations comprises an image of said corresponding one of said plurality of users with whom said local user communicated (column 8, lines 40-45)

Claims 6, 15, and 24: Tang discloses a system and method providing a computer user interface enabling access to distributed workgroup members as in Claims 5, 14, and 23 above, further comprising:

- a. each of said plurality of user representations comprises an indication of a communication application used for communication between said one of said plurality of users and said selected remote user (column 8, lines 40-45).



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9. Claims 7-9, 16-18, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (US 5,793,365) in view of Godefroid et al. (US 6,697,840).

Claims 7, 16, and 25: Tang discloses a system and method providing a computer user interface enabling access to distributed workgroup members as in Claims 1, 10, and 19 above, but does not explicitly disclose presenting an interface to said local user, wherein said interface enables said local user to specify that information regarding communication activities of said local user that are to be shared with remote users. Godefroid discloses a similar system for presence awareness in collaborative systems that further discloses controlling remote user access to private data (column 6, lines 12-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify whether the communication activities of a local user are allowed to be accessed by remote users. One would have been motivated to restrict access to information regarding their collaborative activities for privacy purposes.

Claims 8, 17, and 26: Tang and Godefroid disclose a system and method providing a computer interface enabling access to distributed workgroup members as in Claims 1, 10, and 19 above, and Godefroid further discloses allowing or disallowing queries regarding the recent collaborative activities of the user (column 6, lines 12-19).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify which communication activities of a local user are

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allowed to be viewed by remote users. One would have been motivated to restrict access to information regarding their collaborative activities for privacy purposes.

Claims 9, 18, and 27: Tang and Godefroid disclose a system and method providing a computer interface enabling access to distributed workgroup members as in Claims 1, 10, and 19 above, and Godefroid further discloses allowing or disallowing queries from specific users regarding the recent collaborative activities of the user (column 6, lines 12-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify which users may be presented information regarding the communication activities of a local user. One would have been motivated to specify which users can view information regarding their collaborative activities for privacy purposes.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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01/22/07



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